

**TOWN OF SULLIVAN
ZONING BOARD OF APPEALS
AUGUST 12, 2021
7:00 P.M.**

A regular meeting of the Zoning Board of Appeals of the Town of Sullivan was convened at the Town Office Building by Chairman Steve Durfee at 7:00 P.M.

Those in attendance for the meeting were: Chairman Steve Durfee, Members Terry Manning, Bryan Bendixen, Clifford Reals and Attorney for the Board John Langey

Excused: Member Michael Keville

Also present: Building/Codes Inspector, Larry Ball

PUBLIC HEARING

**7:00 P.M. – VICTOR SAVAGE: AREA VARIANCE (2697 PINE RIDGE RD.,18.-2-10)
EAST PROPERTY LINE SETBACK TO BUILD A GARAGE.**

Victor Savage appeared before the Board to request an area variance for the East property line setback. He would like to build a 24' x 32' garage five feet from the property line. Fire separation was discussed between the house and garage. Larry Ball, Building/Codes Inspector stated there are no more codes stating fire wall separation.

Member Manning asked if there are no regulations of fire separation why not put the garage right up to house. Mr. Savage stated because of water drainage and the driveway. The garage will be one story, the siding and roof will match the house, and will be used for storage/garage. Attorney John Langey questioned the highest peak and if there was a maximum height. The peak will be constructed at a 4/12 or 5/12 pitch and will have a 10' ceiling. Member Bendixen discussed that the request of 10' of relief is substantial from the required 15' and that the variance will include overhangs. Larry Ball stated this is a narrow lot and that the shortest distance to the property line will be 5', including the eaves.

The Town of Sullivan Planning Board sees no adverse Town-wide impact granting this request.

No one spoke for or against the application and the public hearing was closed.

**JOSEPH & SUSAN ZAMLOWSKI: AREA VARIANCE (9357 HITCHCOCK POINT RD.,
3.-2-5) EAST SIDE PROPERTY LINE TO BUILD AN
ADDITION TO EXISTING HOUSE.**

Joseph & Susan Zamlowski appeared before the Board to request an area variance to allow a 30' x 30' addition to their existing house which will be 3' 6" from the East property line (the

survey shows 3.6 feet to the neighbor property). They have been there 3 years and the house was already there close to the property line. They have already talked with their neighbor, Carl Hoyt, and he has no problem with the variance request. Joseph Zamlowski stated that the need is to have the home more accessible as they age. This started as a summer home by the water and they would like a main living room, bathroom and bedroom all on one level for the future. Member Manning said the neighbors are close from the pictures and the addition would be toward road. Member Bendixen asked that the same distance to the road as the shed and carport be maintained.

Mr. Zamlowski confirmed with the Board that any variances go with the property and not the owner.

The Town of Sullivan Planning Board sees no Town-wide adverse impact in granting this request.

No one spoke for or against the application and the public hearing was closed at 7:20PM.

NEW BUSINESS

Karen Tavernese appeared before the Board, representing Thomas Mulcahy. She has the property listed for sale and is here to see if the Board would consider a variance of this property with only an accessory building so they could subdivide with the Planning Board. Attorney John Langey stated that by subdividing the property it would be split with a primary residence on one lot and accessory building only on the other lot which is not allowed in the Town law. This would be considered a USE Variance which are hard to get as have to prove the self-created hardship standard or would need nexus to land via a Special Use Permit. Options were discussed: could approve converting the barn to a house without a variance or tear down the barn. Larry Ball said to make a legal conforming lot a tiny house could be built as primary residence with the barn to stay, this is a buildable lot with tons of road frontage.

Karen stated that buyers do not want the barn and that is why they are working on the subdivision idea. Chairman Durfee said the variance is difficult given the legal standard regarding the self-created hardship and she should coordinate with the Planning Board for sub-division with the condition on completion of a possible build out of accessory building into a dwelling unit. This would have to have architect plans to proceed.

OLD BUSINESS

VICTOR SAVAGE: AREA VARIANCE (2697 PINE RIDGE RD.,18.-2-10) EAST PROPERTY LINE SETBACK TO BUILD A GARAGE.

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested area variance addressing each of the factors for approval or denial of the application. Applicant wants to keep distance from house to provide drainage and use of driveway. The requested variance is substantial but not a determining factor. The variance would not have an adverse impact on the physical or environmental conditions in the neighborhood as it is a rural area, narrow lot and neighbors house is not close. The alleged

difficulty was self-created but not a determining factor as the lot size and house were already there.

This application was declared by the Board to be a Type II Action with Negative Declaration for SEQR, thus concluding the environmental review process for this matter.

A motion was duly made by Member Reals, seconded by Member Bendixen and unanimously passed by the Board that the benefit to the applicant does outweigh any detriment to the Neighborhood and therefore the variance was approved for the garage 24' x 32' to be no closer than 5 feet at the closest point including eaves on this narrow lot with existing house.

JOSEPH & SUSAN ZAMLOWSKI: AREA VARIANCE (9357 HITCHCOCK POINT RD.,3.-2-5) EAST SIDE PROPERTY LINE TO BUILD AN ADDITION TO EXISTING HOUSE.

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested area variance addressing each of the factors for approval or denial of the application. This request would not cause undesirable change or detriment to nearby properties as it is continuation of existing property line on very narrow lot and the current house's position on the lot limits the options. The request is substantial but there are no other alternatives to achieve the goal of the applicant and they acquired the property as is.

This application was declared by the Board to be a Type II Action with Negative Declaration for SEQR, thus concluding the environmental review process for this matter.

A motion was duly made by Member Manning, seconded by Member Reals and unanimously passed by the Board that the benefit to the applicant does outweigh any detriment to the Neighborhood. The variance was approved granting 5 feet of relief from the East side property line to build a 30' x 30' addition to the existing house.

INTERPRETATION REQUEST FORM:

The Board discussed the new interpretation request form that Larry Ball created. People rarely ask for interpretations so we have never had one. The form was approved and will be used strictly for an interpretation request, not area or use variances. Attorney John Langey said it will be processed as we do with other applications with public notice and hearing. They will proceed with the request for interpretation on the fence vs. trellis question.

APPROVAL OF MINUTES

A motion was duly made by Member Manning , seconded by Chairman Durfee and unanimously passed by the Board approving the minutes of June 10, 2021. There was no July meeting.

ADJOURNMENT

A motion was duly made by Chairman Durfee, seconded by Member Reals and unanimously passed to adjourn the meeting at 7:55 PM.

Respectfully Submitted
Jeri Rowlingson, Secretary